

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SANDRA ESPINOZA,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

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MEMORANDUM & ORDER

12-CV-341 (ENV)

VITALIANO, D.J.

Plaintiff Sandra Espinoza filed a complaint against defendants the City of New York, New York City Health & Hospitals Corporation, Coney Island Hospital, and Paul Pandolfini, on January 23, 2012, seeking injunctive relief and damages pursuant to 42 U.S.C. §1983, based on defendants' alleged implementation of adverse employment actions against plaintiff. On July 13, 2012, plaintiff filed an Amended Complaint.

On August 10, 2012, defendants moved to dismiss the Amended Complaint. The motion was referred to Magistrate Judge Cheryl L. Pollak as to whether plaintiff's Amended Complaint should be dismissed.

Following a review of the relevant submissions of the parties, Judge Pollak issued a Report and Recommendation ("R & R") on December 10, 2012 (Dkt. No. 20), recommending that the defendants' motion to dismiss plaintiff's claims against Coney Island Hospital be granted, and that defendants' motion to dismiss plaintiff's claims against the remaining defendants be denied. Judge Pollak also recommended that the remaining defendants be granted 30 days to answer the Amended Complaint. No objections to Judge Pollak's R & R have been filed.

DISCUSSION

In reviewing a report and recommendation, the court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). However, in order to accept a magistrate judge’s report and recommendation where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F.Supp.2d 606, 609–10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of the entire record, the Court finds Judge Pollak’s R & R to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R & R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R & R, defendants’ motion to dismiss plaintiff’s claims against Coney Island Hospital is granted, and defendants’ motion to dismiss plaintiff’s claims against the remaining defendants is denied. The remaining defendants are granted 30 days to answer the Amended Complaint.

SO ORDERED.

Dated: Brooklyn, New York
January 9, 2013

s/ ENV

~~ERIC N. VITALIANO~~
ERIC N. VITALIANO
United States District Judge